

PROOF

STATE OF IOWA

House Journal

TUESDAY, APRIL 8, 2003

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JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 8, 2003

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Orville Erickson, pastor of Greenhill Baptist Church, Cedar Falls. He was the guest of Representative Ervin Dennis of Black Hawk County.

The Journal of Monday, April 7, 2003 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Heaton of Henry on request of Gipp of Winneshiek.

SENATE MESSAGES CONSIDERED

[Senate File 237](#), by committee on natural resources and environment, a bill for an act relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account.

Read first time and **passed on file**.

[Senate File 399](#), by committee on judiciary, a bill for an act establishing a criminalistics laboratory surcharge and creating a criminalistics laboratory fund, making an appropriation of surcharge moneys, and making related changes.

Read first time and referred to committee on **judiciary**

[Senate File 438](#), by committee on appropriations, a bill for an act relating to the establishment of the office of grants enterprise management in the department of management to assist the state in receiving more nonstate funds and providing a standing limited appropriation.

Read first time and **passed on file**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 85](#), a bill for an act relating to tip-up fishing in the waters of the Missouri and Big Sioux rivers and subjecting violators to an existing penalty.

Also: That the Senate has on April 7, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 472](#), a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Also: That the Senate has on April 7, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 612](#), a bill for an act relating to the exemption from land ownership restrictions for nonresident aliens under the new jobs and income program.

Also: That the Senate has on April 7, 2003, adopted the following resolution in which the concurrence of the House is asked:

[Senate Concurrent Resolution 8](#), a concurrent resolution supporting the completion of U.S. Highway 20 across northern Iowa and requesting federal assistance.

MICHAEL E. MARSHALL, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 8:57 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:12 p.m., Speaker Rants in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 381](#), a bill for an act relating to anatomical gifts including bone marrow and organ donation by state employees and grants from the anatomical gift public awareness and transplantation fund.

Also: That the Senate has on April 8, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 396](#), a bill for an act relating to disaster preparedness and providing an effective date.

Also: That the Senate has on April 8, 2003, amended and passed the following bill in which the concurrence of the House is asked:

[House File 548](#), a bill for an act relating to tribal law enforcement officer training at the Iowa law enforcement academy.

Also: That the Senate has on April 8, 2003, adopted the following resolution in which the concurrence of the Senate is asked:

[House Concurrent Resolution 8](#), a concurrent resolution relating to a biennial memorial session.

Also: That the Senate has on April 8, 2003, adopted the following resolution in which the concurrence of the Senate was asked:

[House Concurrent Resolution 9](#), a concurrent resolution relating to Pioneer Lawmakers.

Also: That the Senate has on April 8, 2003, adopted the following resolution in which the concurrence of the House is asked:

[Senate Joint Resolution 4](#), a joint resolution proposing redesign of the Medicaid system.

Also: That the Senate has on April 8, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 260](#), a bill for an act relating to certain leaves of absence for local civil service employees and providing for the Act's applicability.

Also: That the Senate has on April 8, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 439](#), a bill for an act relating to and making appropriations to the justice system and providing an effective date.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 3:12 p.m., until the fall of the gavel.

The House resumed session at 4:06 p.m., Speaker Rants in the chair.

CONSIDERATION OF BILLS Appropriations Calendar

[House File 429](#), a bill for an act relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account, was taken up for consideration.

[SENATE FILE 237](#) SUBSTITUTED FOR [HOUSE FILE 429](#)

Chambers of O'Brien asked and received unanimous consent to substitute [Senate File 237](#) for [House File 429](#).

[Senate File 237](#), a bill for an act relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account, was taken up for consideration.

Chambers of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question shall the bill pass? ([S.F. 237](#))

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heddens

Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson,	D. Olson,	S. Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Heaton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 255 and 429 WITHDRAWN

Chambers of O'Brien asked and received unanimous consent to withdraw House Files 255 and 429 from further consideration by the House.

Regular Calendar

House File 628, a bill for an act relating to physician assistant licensure, and providing an effective date, was taken up for consideration.

Boddicker of Cedar offered amendment [H-1274](#) filed by him and Murphy of Dubuque as follows:

H-1274

- 1 Amend [House File 628](#) as follows:
- 2 1. Page 1, lines 34 and 35, by striking the words
- 3 "~~after consultation with the board of medical~~
- 4 ~~examiners and the board of pharmacy examiners~~", and.

- 5 inserting the following: ", after consultation with
6 the board of medical examiners and the board of
7 pharmacy examiners".
- 8 2. Page 2, by striking lines 18 and 19 and
9 inserting the following:
10 "Sec. . Section 148.13, subsection 1, Code
11 2003, is amended to read as follows:
12 1. The board of medical examiners shall adopt
13 rules setting forth in detail its criteria and
14 procedures for determining the ineligibility of a
15 physician to serve as a supervising physician under
16 chapter 148C. The rules shall be adopted as soon as
17 possible after the effective date of this Act and in
18 ~~no event later than December 31, 1988~~ provide that a
19 physician may serve as a supervising physician under
20 chapter 148C until such time as the board determines,
21 following normal disciplinary procedures, that the
22 physician is ineligible to serve in that capacity."
- 23 3. Page 4, line 10, by inserting after the word
24 "training" the following: "or not prohibited by the
25 board".
- 26 4. Page 4, by inserting after line 16 the
27 following:
28 "6. The board shall adopt rules pursuant to this
29 section after consultation with the board of medical
30 examiners."
- 31 5. Page 5, line 33, by inserting after the figure
32 "148C" the following: ", after consultation with the
33 board of medical examiners,".
- 34 6. By renumbering as necessary.

Boddicker of Cedar offered the following amendment [H-1288](#), to amendment [H-1274](#), filed by him from the floor and moved its adoption:

H-1288

- 1 Amend the amendment, H-1274, to [House File 628](#), as
2 follows:
3 1. Page 1, by inserting after line 22 the
4 following:
5 " . Page 4, by striking lines 1 through 4 and
6 inserting the following: "chapter requiring a
7 licensed physician assistant to be supervised by
8 physicians. The rules shall provide that not more
9 than two physician assistants shall be supervised by a
10 physician at one time. The rules shall also provide
11 that a".

Amendment [H-1288](#) was adopted.

On motion by Boddicker of Cedar, amendment [H-1274](#), as amended, was adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 628](#))

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson,	D. Olson,	S. Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Heaton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 628](#) and [Senate File 237](#).

Appropriations Calendar

[Senate File 435](#), a bill for an act relating to and making appropriations to the judicial branch, with report of committee recommending passage, was taken up for consideration.

Eichhorn of Hamilton asked and received unanimous consent to withdraw amendment [H-1242](#) filed by him on April 2, 2003.

Eichhorn of Hamilton offered the following amendment [H-1243](#) filed by him and moved its adoption:

H-1243

1 Amend [Senate File 435](#), as passed by the Senate, as
 2 follows:
 3 1. Page 3, by striking lines 32 through 34, and
 4 inserting the following:
 5 "Sec. . APPOINTMENT OF CLERK OF COURT. The
 6 district judges shall not begin the appointment
 7 process of a clerk of the district court pursuant to
 8 section 602.1215 until the state court administrator
 9 approves filling the clerk of the district court
 10 vacancy."

Amendment [H-1243](#) was adopted.

Horbach of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 435](#))

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake

Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson,	D. Olson,	S. Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Heaton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER

[\(Senate File 435\)](#)

I move to reconsider the vote by which [Senate File 435](#) passed the House on April 8, 2003.

GIPP of Winneshiek

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 7, 2003. Had I been present, I would have voted "aye" on House Files 394, 401 and [Senate File 230](#).

LUKAN of Dubuque.

I was necessarily absent from the House chamber on April 7, 2003. Had I been present, I would have voted "aye" on House Files 394, 401, 636, Senate Files 230 and 425.

S. OLSON of Clinton

I was necessarily absent from the House chamber on April 7, 2003. Had I been present, I would have voted "aye" on House Files 394, 401 and [Senate File 230](#).

TJEPKES of Webster

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 8th day of April, 2003: House Files 180, 339 and 659.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Seven Boy Scouts from Pack 88, Den 3 from St. Francis Church West Des Moines, Iowa, accompanied by Beth McCoy. By Jacobs of Polk

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House.

- 2003\1102 Emma Pauline Pestotnik, Boone – For celebrating her 80th birthday.
- 2003\1103 Helen Marie Nelson, Boone – For celebrating her 80th birthday.
- 2003\1104 Darlene Elizabeth Nolan, Perry – For celebrating her 80th birthday.
- 2003\1105 George Donald Nieman, Perry – For celebrating his 87th birthday.
- 2003\1106 Merle Thomas Buchan, Perry – For celebrating his 85th birthday.
- 2003\1107 Maurice Harry Sandholm, Boone – For celebrating his 82nd birthday.
- 2003\1108 Nadine Eilbert, Boone – For celebrating her 83rd birthday.
- 2003\1109 Florence Grace Lundberg, Pilot Mound – For celebrating her 86th birthday.
- 2003\1110 Florence Hornsby, Perry – For celebrating her 90th birthday.
- 2003\1111 Josephine Anita Schall, Ogden – For celebrating her 90th birthday.
- 2003\1112 John and Grace Schuurman, Rock Rapids – For celebrating their 60th wedding anniversary.
- 2003\1113 Hazel Honeck, Marshalltown – For celebrating her 83rd birthday.
- 2003\1114 Richard and Lila Amonson, Clarion – For celebrating their 50th wedding anniversary.
- 2003\1115 George and Milly Wenzel, Belmond – For celebrating their 50th wedding anniversary.
- 2003\1116 Roger and Carol Halfpop, Belmond – For celebrating their 50th wedding anniversary.
- 2003\1117 Orlan and Franie Osboe, Webster City – For celebrating their 60th wedding anniversary.
- 2003\1118 Betty Nearing, Eagle Grove – For celebrating her 100th birthday.
- 2003\1119 Dimple Raven, Webster City – For celebrating her 90th birthday.
- 2003\1120 Bob and Rita Rosacker, Guttenberg – For celebrating their 50th wedding anniversary.
- 2003\1121 Frances Kruse, Davenport – For celebrating her 80th birthday.
- 2003\1122 Irwin and Laura Westendorf, Alpha – For celebrating their 65th wedding anniversary.

- 2003\1123 Freyda Schneekloth, Shenandoah – For celebrating her 90th birthday.
- 2003\1124 Kay Lucas, Bedford – For being named the 2003 Mother of the Year.
- 2003\1125 Kenneth Arch, Sioux City – For celebrating his 80th birthday.
- 2003\1126 Marcella Scott, Sioux City – For celebrating her 81st birthday.
- 2003\1127 Ruth Pfeil, Sioux City – For celebrating her 83rd birthday.
- 2003\1128 Robert Joy, Sioux City – For celebrating his 86th birthday.
- 2003\1129 Mr. and Mrs. Herbert Wilson, Bloomfield – For celebrating their 50th wedding anniversary.
- 2003\1130 Mr. and Mrs. Kenneth Harsh, Ottumwa – For celebrating their 60th wedding anniversary.
- 2003\1131 Sarah Hendred, Ottumwa – For having her book "Nuture Bear's Treasure Hunt" published at age 13.
- 2003\1132 Helen Ranard, Fairfield – For celebrating her 90th birthday.
- 2003\1133 Jeane (Coventry) Hookom, Independence – For celebrating her 80th birthday.
- 2003\1134 Nancy White, Independence – For winning the Iowa Service Award.
- 2003\1135 Rev. Charles and Esther Hewlett, Independence – For celebrating their 50th wedding anniversary.
- 2003\1136 Ray Cook, Winthrop – For celebrating his 80th birthday.
- 2003\1137 Delbert and Shirley Stadlander, Mason City – For celebrating their 50th wedding anniversary.
- 2003\1138 Filomeno Sr. and Juanita Castillo, Mason City – For celebrating their 60th wedding anniversary.
- 2003\1139 Joe Dorrell, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1140 Joel L. Kiesey, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1141 Doris Hennings, Fort Dodge – For celebrating her 80th birthday.
- 2003\1142 John and Shirley Woodbeck, Fort Dodge – For celebrating their 50th wedding anniversary.

2003\1143 Loretta Hotek, Fort Dodge – For celebrating her 90th birthday.
2003\1144 Charlotte Belmer, Fort Dodge – For celebrating her 105th birthday.
2003\1145 Ethel Hutter, Dubuque – For celebrating her 90th birthday.
2003\1146 William and Betty McKechnie, Atkins – For celebrating their 50th wedding anniversary.
2003\1147 Ruth Haberkamp, Garner – For celebrating her 100th birthday.
2003\1148 Alfred and Mary McDonald, Iowa City – For celebrating their 60th wedding anniversary.
2003\1149 Wayne Gardner, Iowa City – For celebrating his 80th birthday.
2003\1150 Alvin and Shirley Schroeder, Iowa City – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

[House File 643](#)

Appropriations: Eichhorn, Chair; Bell and Heaton.

[Senate File 399](#)

Judiciary: J.R. Van Fossen, Chair; Hutter and Swaim.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

[House Study Bill 308](#)

Appropriations: Jacobs, Chair; Boggess and Thomas.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

[Senate File 375](#), a bill for an act relating to enforcement enhancements relative to certain tobacco product manufacturers, providing appropriations and penalties, and providing effective dates.

Fiscal note is not required.

Recommended **Do Pass** April 8, 2003.

Pursuant to Rule 31.7, [Senate File 375](#) was referred to the committee on appropriations.

COMMITTEE ON NATURAL RESOURCES

[Senate File 397](#), a bill for an act relating to the issuance of hunting licenses for antlerless deer, providing for the disposition of harvested deer meat to public institutions, requiring a report, and providing a penalty.

Fiscal note is not required.

Recommended **Amend and Do Pass with amendment [H-1287](#)** on April 8, 2003.

COMMITTEE ON WAY AND MEANS

Committee Bill (Formerly [House File 99](#)), relating to the recycling property exemption from property tax and including an applicability date.

Fiscal note is not required.

Recommended **Amend and Do Pass** April 8, 2003.

Committee Bill (Formerly [House File 554](#)), relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision.

Fiscal note is not required.

Recommended **Do Pass** April 8, 2003.

Committee Bill (Formerly [House File 620](#)), relating to new capital investment for businesses and new jobs by creating a new capital investment program, creating tax incentives, and amending the new jobs and income program.

Fiscal note is not required.

Recommended **Amend and Do Pass** April 8, 2003.

Committee Bill (Formerly [House Study Bill 271](#)), relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision.

Fiscal note is not required.

Recommended **Do Pass** April 8, 2003.

Committee Bill (Formerly [House Study Bill 306](#)), exempting from state individual income tax the active duty pay of a member of the Iowa national guard or armed forces

reserve units for service performed during Operation Iraqi Freedom and including effective and applicability date provisions.

Fiscal note is not required.

Recommended **Amend and Do Pass** April 8, 2003.

RESOLUTION FILED

SCR 8, by Hosch, Beall, Quirnbach, Warnstadt, Hatch, Dotzler, Gronstal, Stewart, Connolly, Kibbie, Veenstra, Houser, Wieck, Seymour, Johnson, Rehberg, Ziemann, Brunkhorst, Putney, Lundby, Kettering, Schuerer, Behn, Sievers, Gaskill, Redfern, McKibben, and Iverson, a concurrent resolution supporting the completion of U.S. Highway 20 across northern Iowa and requesting federal Assistance.

Passed on File.

AMENDMENTS FILED

H-1283	H.F.	319	Senate Amendment
H-1284	H.F.	548	Senate Amendment
H-1285	S.F.	359	Eichhorn of Hamilton
H-1286	H.F.	663	Hogg of Linn
H-1287	S.F.	397	Committee on Natural Resources
H-1289	S.F.	297	Hogg of Linn
H-1290	S.F.	433	Bogges of Page
			Hansen of Pottawattamie
			Hoffman of Crawford
			Dolecheck of Ringgold
			Wilderdike of Harrison
			Struyk of Pottawattamie
			Reasoner of Union
			Jones of Mills
			Roberts of Carroll
H-1291	S.F.	343	Fallon of Polk
H-1292	S.F.	433	Struyk of Pottawattamie

On motion by Gipp of Winneshiek the House adjourned at 4:46 p.m., until 8:45 a.m., Wednesday, April 9, 2003.